

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CASE NO: CR-1-02-107</b>
<b>vs.</b>	)	
	)	
<b>TRACY M. PESKIN,</b>	)	<b>MAGISTRATE JUDGE HOGAN</b>
	)	
<b>SSN: XXX-XX-8026</b>	)	
<b>Defendant,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>Lowe's Companies, Inc.</b>	)	
	)	
<b>Garnishee.</b>	)	

**CLERK'S NOTICE OF GARNISHMENT**

You are hereby notified that a garnishment of the nonexempt property (including nonexempt disposable earnings) is being taken by the United States of America which has a judgment in Case No. CR-1-02-107 in the United States District Court for the SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION, in the sum of \$5,050.00 plus accrued interest for monies owed the United States. As of November 1, 2007 a balance of \$2,644.29 remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if Tracy M. Peskin can show that the exemptions apply. Attached to this Notice is a Claim for Exemption Form which summarizes the major exemptions which apply in most situations in the State of Ohio. Pursuant to 28 U.S.C. §3014, an individual debtor may elect to exempt the following property:

**EITHER**

1. Property specified under section 522(d) of Title 11 of the United States Code - the types of property you may elect to exempt under 11 U.S.C. § 522(d) are listed on the attached Claim for Exemption Form;

**OR, IN THE ALTERNATIVE,**

- 2 (A) Any property that is exempt under Federal law (other than the property set forth in paragraph (1) above), or State, or local law, if such law was applicable on the date of filing the Application for Writ of Continuing Garnishment. The applicable law regarding exemptions is the law at the place in which your domicile has been located for 180 days immediately preceding the date of the filing of such application, or for a longer portion of such 180-day period than in any other place. (A list of the property available as an exemption is contained in the attached Claim for Exemption Form); and,
- 2 (B) Any interest in property in which you had, immediately before filing of such application, an interest as a tenant by entirety or joint tenant. If you are electing this type of property, mark the appropriate space on the Claim for Exemption Form.

If you are Tracy M. Peskin, you have a right to ask the court to return your property to you if you think the property the Government is taking qualifies under one of the specified exemptions or if you think you do not owe the money to the Government that it says you do.

If you are Tracy M. Peskin, and you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing, and either mail it or deliver it in person to the Clerk of the Court at:

Clerk U.S. District Court  
U.S. Postoffice & Courthouse, Rm #103  
Cincinnati, Oh 45202

If you wish, you may request the hearing by checking the appropriate space on the Defendant's Request for Garnishment Hearing form attached to this notice and mailing or delivering your request form to the Clerk of the Court.

You must also send a copy of your request to the government in care of :

Deborah F. Sanders  
Assistant United States Attorney  
Southern District of Ohio  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215-2401

so that the Government will know that you want a hearing. The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property (including nonexempt disposable earnings) the Government has taken is exempt or why you do not owe the money to the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at:

Clerk U.S. District Court  
U.S. Postoffice & Courthouse, Rm #103  
Cincinnati, Oh 45202

You must also send a copy of your request to the Government in care of:

Deborah F. Sanders  
Assistant United States Attorney  
Southern District of Ohio  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215-2401

so that the Government will know that you want the proceedings to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

s/ Arthur Hill, deputy clerk  
JAMES BONINI, CLERK  
United States District Court

1/11/08  
Date

\_\_\_\_\_  
Deputy Clerk

**CLAIM FOR EXEMPTION FORM**  
**EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$6,250** in value.
- ☐ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$3,125** in value.
- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- ☐ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of

levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

- \_\_\_\_ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- \_\_\_\_ 10. Assistance under Job Training Partnership Act.  
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.
- \_\_\_\_ 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

\_\_\_\_ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(\_\_\_\_\_) or telephonically at (\_\_\_\_\_)
   
Address Phone No.

\_\_\_\_\_  
Debtor's printed or typed name

\_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Date